

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I HEREBY DECLARE:

THAT my residence, post office address, and citizenship are as stated below next to my name;

THAT I believe I am the original, first, and sole inventor (if only one inventor is named below) or an original, first, and joint inventor (if plural inventors are named below or in an attached Declaration) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**METHODS AND DEVICES FOR INTRAMUSCULAR STIMULATION OF UPPER AIRWAY
AND SWALLOWING MUSCLE GROUPS**

the specification of which (check one)

is attached hereto.

was filed on March 28, 2005 as U.S. Serial No. 10/529,401

THAT I do not know and do not believe that the same invention was ever known or used by others in the United States of America, or was patented or described in any printed publication in any country, before I (we) invented it;

THAT I do not know and do not believe that the same invention was patented or described in any printed publication in any country, or in public use or on sale in the United States of America, for more than one year prior to the filing date of this United States application;

THAT I do not know and do not believe that the same invention was first patented or made the subject of an inventor's certificate that issued in any country foreign to the United States of America before the filing date of this United States application if the foreign application was filed by me (us), or by my (our) legal representatives or assigns, more than twelve months (six months for design patents) prior to the filing date of this United States application;

THAT I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment specifically referred to above;

THAT I believe that the above-identified specification contains a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention, and sets forth the best mode contemplated by me of carrying out the invention; and

THAT I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I HEREBY CLAIM foreign priority benefits under Title 35, United States Code §119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT International application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate or of

any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number	Country	Foreign Filing Date	Priority Claimed?	Certified Copy Attached?
PCT/US03/030032	WIPO	09/26/2003	YES	

I HEREBY CLAIM the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

U.S. Provisional Application Number	Filing Date
60/413,773	09/27/2002

I HEREBY CLAIM the benefit under Title 35, United States Code, §120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, Insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

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I HEREBY APPOINT the following registered attorneys and agents of the Office of Technology Transfer, National Institutes of Health, and the law firm of HELLER EHRMAN LLP included in the Customer Number provided below:

Customer Number 44991

BEST AVAILABLE COPY

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HELLER EHRLICH LLP
1717 Rhode Island Avenue, NW
Washington, DC 20036-
Telephone: (202) 912-2000
Facsimile: (202) 912-2020

I UNDERSTAND AND AGREE THAT the foregoing attorneys and agents appointed by me to prosecute this application do not personally represent me or my legal interests, but instead represent the interests of the legal owner(s) of the invention described in this application.

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Name of first inventor	Christy L. Ludlow
Residence	Bethesda, Maryland
Citizenship	USA
Post Office Address	8801 Garfield Street, Bethesda, MD 20817
Inventor's signature	
Date	
Name of second inventor	Eric Mann
Residence	Clarksville, Maryland
Citizenship	USA
Post Office Address	13712 Springdale Drive, Clarksville, MD 21029-1353
Inventor's signature	
Date	

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Attorney Docket No.: 38163-0194 US

Name of third inventor	Theresa Burnett
Residence	Silver Spring, Maryland
Citizenship	USA
Post Office Address	8324 16th Street, #324, Silver Spring, MD 20910
Inventor's signature	
Date	
Name of fourth inventor	Steven Blelamowicz
Residence	McLean, Virginia
Citizenship	USA
Post Office Address	1500 Twisting Tree Lane, McLean, Virginia 22101
Inventor's signature	<u>SB</u>
Date	<u>11/9/05</u>

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Name of first inventor	Christy L. Ludlow
Residence	Bethesda, Maryland
Citizenship	USA
Post Office Address	8801 Garfield Street, Bethesda, MD 20817
Inventor's signature	<i>Christy L. Ludlow</i>
Date	10/13/05
Name of second inventor	Eric Mann
Residence	Clarksville, Maryland
Citizenship	USA
Post Office Address	13712 Springdale Drive, Clarksville, MD 21029-1353
Inventor's signature	
Date	

Name of third inventor Theresa Burnett
Residence Silver Spring, Maryland
Citizenship USA
Post Office Address 8324 16th Street, #324, Silver Spring, MD 20910
Inventor's signature _____
Date _____

Name of fourth inventor Steven Bielamowicz
Residence McLean, Virginia
Citizenship USA
Post Office Address 1500 Twisting Tree Lane, McLean, Virginia 22101
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Inventor's signature	[Signature]
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Citizenship	USA
Post Office Address	8324 15th Street, #324, Silver Spring, MD 20910
Inventor's signature	<u>Theresa Burnett</u>
Date	<u>Jan 2, '06</u>
Name of fourth inventor	Steven Bielamowicz
Residence	McLean, Virginia
Citizenship	USA
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Name of first inventor

Christy L. Ludlow

Residence

Bethesda, Maryland

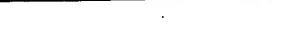
Citizenship

USA

Post Office Address

8801 Garfield Street, Bethesda, MD 20817

Inventor's signature



Date

 11/8/05

Name of second inventor

Eric Mann

Residence

Clarksville, Maryland

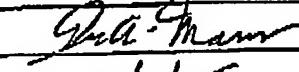
Citizenship

USA

Post Office Address

13712 Springdale Drive, Clarksville, MD 21029-1353

Inventor's signature



Date

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Name of third Inventor Theresa Burnett
Residence Silver Spring, Maryland
Citizenship USA
Post Office Address 8324 16th Street, #324, Silver Spring, MD 20910
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